

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DALLAS COBBS, #164276,

Plaintiff,

v.

GEORGE J. PRAMSTALLER, *et al.*,

Defendants.

Paul D. Reingold (P27594)
MICHIGAN CLINICAL LAW PROGRAM
Attorney for Plaintiff
363 Legal Research Building
801 Monroe Street
Ann Arbor, MI 48109-1215
(734) 763-4319

Clifton B. Schneider (P70582)
Michigan Department of Attorney General
Attorneys for MDOC Defendants
525 W. Ottawa Street
P.O. Box 30217
Lansing, MI 48909
(517) 335-7021

Randall A. Juip (P58538)
Brian J. Richtarcik (P49390)
Anthony D. Pignotti (P71100)
The Juip Richtarcik Law Firm
Attorneys for Defendants, Correctional
Medical Services, Inc., Craig Hutchinson,
M.D., and Bency Mathai, M.D., only
The Penobscot Building
645 Griswold Street, Suite 3850
Detroit, MI 48226
(313) 859-5900

**ORDER ADOPTING IN PART AND REJECTING IN PART MAGISTRATE JUDGE
CHARLES BINDER'S REPORT AND RECOMMENDATION**

(This Order Resolves Docket Entries 103, 104, 108 & 115)

This matter having come before the Court on Magistrate Judge Charles Binder's Report and Recommendation of March 25, 2010, and the Court having reviewed the file, the Magistrate Judge's Report and Recommendation, the parties' objections and responses, and the parties' oral arguments, and the Court being otherwise fully informed in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that Magistrate Judge Binder's Report and Recommendation of March 25, 2010 (Doc. Entry 115) shall be adopted as the opinion of this Court in all respects, except with respect to his recommendations regarding Plaintiff's motion to amend the complaint;

IT IS FURTHER ORDERED that the Defendants, Craig Hutchinson, M.D. and Bency Mathai, M.D.'s, motion for summary judgment (Doc. 103) shall be **GRANTED** and they shall be dismissed for lack of the requisite personal involvement;

IT IS FURTHER ORDERED that Defendant, Correctional Medical Services, Inc.'s motion for summary judgment (Doc. 103) be **DENIED**;

IT IS FURTHER ORDERED that Defendants, Clark, Naylor, Davis-Neighbors, Pandya, and Pramstaller's motion for summary judgment (Doc. 104) be **DENIED**; and

IT IS FURTHER ORDERED that Plaintiff's motion to amend complaint to add custom and policy claim (Doc. 108) be **DENIED**.

IT IS SO ORDERED.

Dated: July 22, 2010

s/ Anna Diggs Taylor

ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

Approved as to form:

s/Paul D. Reingold w/consent

Paul D. Reingold (P27594)
Attorney for Plaintiff

s/Anthony D. Pignotti

Anthony D. Pignotti (P71100)
Attorney for Defendants, CMS,
Dr. Hutchinson, and Dr. Mathai

s/Clifton B. Schneider w/consent

Clifton B. Schneider (P70582)
Attorney for MDOC Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on July 22, 2010.

s/Johnetta M. Curry-Williams
Case Manager